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C O N F I D E N T I A L SECTION 01 OF 02 CARACAS 003576

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SUBJECT: HUGO CHAVEZ'S PLAN TO TRANSFORM VENEZUELA: PART I

REF: CARACAS 03282

CLASSIFIED BY THOMAS A. SHANNON, POLITICAL COUNSELOR, REASON: 1.5 (D)

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INTRODUCTION AND SUMMARY  
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[1](#)1. (U) IN JANUARY OF THIS YEAR, HUGO CHAVEZ'S POLITICAL PARTY, THE FIFTH REPUBLIC MOVEMENT (MVR) PUBLISHED ITS PLAN OF ACTION (REFTEL). THIS DOCUMENTED WAS UPDATED IN OCTOBER WHEN CHAVEZ RELEASED HIS "PLAN TO TRANSFORM VENEZUELA."

[1](#)2. (U) CHAVEZ'S PLAN CONSISTS OF FIVE-PARTS:

- POLITICAL EQUILIBRIUM - THE CONSTITUTIONAL ASSEMBLY
- SOCIAL EQUILIBRIUM - SOCIAL JUSTICE
- ECONOMIC EQUILIBRIUM - COMPETITIVE, BUT HUMANE ECONOMIC PLANS
- TERRITORIAL EQUILIBRIUM - DECENTRALIZATION AND DEVELOPMENT
- GLOBAL EQUILIBRIUM - GLOBALIZATION AND SOVEREIGNTY

[1](#)3. (U) THIS IS THE FIRST OF A SERIES OF 5 MESSAGES THAT WILL SUMMARIZE AND ANALYZE CHAVEZ'S PLAN. THIS INSTALLMENT WILL EXAMINE CHAVEZ'S PLAN FOR A CONSTITUTIONAL ASSEMBLY (CONSTITUYENTE).  
END SUMMARY

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POLITICAL EQUILIBRIUM  
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THE CALL FOR THE CONSTITUYENTE:  
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[1](#)4. (U) CHAVEZ ARGUES THAT THE VENEZUELAN POLITICAL SYSTEM IS CORRUPT AND MORALLY BANKRUPT AND BLOCKS ANY EFFORT TO CHANGE IT. ONLY THROUGH A COMPLETE TRANSFORMATION OF THE POLITICAL SYSTEM CAN VENEZUELA ACHIEVE GREATNESS. THIS TRANSFORMATION REQUIRES A NEW CONSTITUTIONAL ORDER, WHICH CHAVEZ PROPOSES TO ACHIEVE THROUGH A NATIONAL CONSTITUTIONAL ASSEMBLY (CONSTITUYENTE).

[1](#)5. (U) THE CONSTITUYENTE WILL WIELD ITS TRANSFORMATIONAL POWER NOT JUST POLITICALLY (INSURING A REPRESENTATIVE CONGRESS), BUT ALSO ECONOMICALLY (INSURING A GLOBALLY COMPETITIVE ECONOMY), SOCIALLY (INSURING SOCIAL JUSTICE AND A CLEAN ENVIRONMENT) AND JURIDICALLY (INSURING AN IMPARTIAL LEGAL SYSTEM). IN OTHER WORDS, ALL THE POSITIVE CHANGES ENVISIONED BY CHAVEZ ARISE FROM THE CONSTITUYENTE.

THE CONSTITUYENTE PROCESS:  
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[1](#)6. (U) THE PROCESS WILL CONSIST OF 5 DISTINCT PHASES: ACTIVATION, CONTRACTUAL, CONVOCATION, MEETING, AND EXECUTION. ACTIVATION WILL OCCUR UPON THE ELECTION OF CHAVEZ AS PRESIDENT. THIS WILL BE QUICKLY FOLLOWED BY THE CONTRACTUAL PHASE, WHEREBY PRESIDENT CHAVEZ CALLS FOR A POPULAR REFERENDUM. THE CONVOCATION OF THE

CONSTITUYENTE, PHASE 3, WILL BE THE REFERENDUM. THE ACTUAL ASSEMBLY AND AGREEMENT TO THE NEW CONSTITUTION WILL BE PHASE 4, AND THE RATIFICATION AND IMPLEMENTATION OF THE NEW CONSTITUTION WILL END THE PROCESS.

¶7. (U) THE CONSTITUYENTE WILL BE A UNICAMERAL, REPRESENTATIVE BODY, WHOSE PURPOSE IS TO CREATE A GOVERNMENT THAT "WILL FORTIFY AND DEVELOP THE INSTITUTIONS THAT WILL GUARANTEE PUBLIC FREEDOM, HUMAN RIGHTS, AND REINSTITUTE A PARTICIPATIVE SYSTEM." THE MEMBERS WILL BE ELECTED BY POPULAR VOTE, AND THE NUMBER OF REPRESENTATIVES FOR EACH STATE WILL BE BASED ON THE POPULATION OF THAT STATE. THE ASSEMBLY SHOULD HAVE REPRESENTATIVES FROM ALL WALKS OF LIFE. NO REPRESENTATIVE CAN BE A CURRENT ELECTED OFFICIAL, JUDGE, OR UNION PRESIDENT. FINALLY, THE MEMBERS WILL RECEIVE IMMUNITY DURING THEIR TENURE IN THE CONSTITUTIONAL ASSEMBLY.

¶8. (U) ONCE THE ASSEMBLY COMPLETES ITS DELIBERATIONS AND PREPARES A NEW CONSTITUTION, THE FINAL PRODUCT MUST BE APPROVED BY A SIMPLE MAJORITY OF VOTERS. DURING THIS INTERIM PERIOD, THE EXISTING CONSTITUTION WILL REMAIN IN FORCE, UNLESS THE CONSTITUYENTE DECIDES OTHERWISE. IN OTHER WORDS, IF THE CONSTITUYENTE WANTS, IT CAN DISSOLVE THE CONGRESS, REORGANIZE THE JUDICIARY, AND MODIFY THE STRUCTURE AND TERM OF OFFICE FOR THE EXECUTIVE BRANCH; IT WILL HAVE COMPLETE POWER. (NOTE. CHAVEZ HAS DENIED THAT THE CONSTITUYENTE WOULD HAVE ABSOLUTE POWER, BUT HAS NOT INDICATED WHAT MECHANISM WOULD LIMIT THE POWER OF THE CONSTITUYENTE. END NOTE.)

WHAT WILL THE NEW CONSTITUTION DO?  
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¶9. (U) THE NEW CONSTITUTION WILL:

-- REDEFINE THE EXECUTIVE POWERS OF THE GOVERNMENT IN A MORE PARTICIPATORY MANNER AND ALLOW FOR DEMONSTRATIONS OF PARTICIPATION IN THE FORM OF REFERENDA.

-- MAKE THE JUDICIAL SYSTEM INDEPENDENT AND IMPARTIAL. JUDGES WILL BE POPULARLY ELECTED, INSTEAD OF APPOINTED BY CONGRESS. BECAUSE THE JUDICIAL SYSTEM IS CLOGGED BY SMALL MATTERS, THE NEW SYSTEM SHOULD ALLOW FOR ALTERNATE SETTLEMENT METHODS, SUCH AS, MEDIATION AND ARBITRATION.

-- CREATE A TRULY REPRESENTATIVE LEGISLATIVE BRANCH THROUGH DIRECT ELECTIONS (PARTY LISTS AND PROPORTIONAL REPRESENTATION WILL BE DONE AWAY WITH) AND ACCOUNTABILITY THROUGH RECALL ELECTIONS.

-- ESTABLISH A NEW, FOURTH BRANCH OF GOVERNMENT, THE MORAL BRANCH. THIS BRANCH WOULD CONSIST OF THOSE INSTITUTIONS THAT HAVE AN OVERSIGHT OF GOVERNMENT ROLE: THE CONTROLLER GENERAL AND THE ATTORNEY GENERAL. IT WOULD ALSO REQUIRE THE CREATION OF A NEW OFFICER, THE OMBUDSMAN, AND A COORDINATING BODY FOR THE MINISTRY OF JUSTICE, SUPREME COURT, THE JUDICIAL COUNCIL, THE ATTORNEY GENERAL, THE CONTROLLER GENERAL, AND THE ATTORNEY GENERAL. THE MORAL BRANCH WILL BE PRIMARILY RESPONSIBLE FOR THE GUARANTEE OF THE DEMOCRATIC CHARACTER OF ORGANIZATIONS THAT INTERACT BETWEEN SOCIETY AND THE STATE. THESE WOULD INCLUDE POLITICAL PARTIES, UNIONS, AND BUSINESS OR PROFESSIONAL ASSOCIATIONS. IT WOULD ALSO HAVE THE RESPONSIBILITY TO INSURE THE PROTECTION OF HUMAN RIGHTS.

THE ROLE OF PUBLIC ADMINISTRATION:  
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¶10. (U) PUBLIC ADMINISTRATION MUST TAKE ON A WATCHDOG ROLE FOR SOCIETY. IT MUST ANALYZE, PLAN, AND EVALUATE THE BEST WAY TO MAINTAIN PUBLIC ORDER AND WELL-BEING. SIMULTANEOUSLY, CHAVEZ WANTS A DECENTRALIZED PUBLIC ADMINISTRATION WITH FEWER MINISTRIES. LIKEWISE, IT MUST HAVE A PLAN OF ACTION TO DEAL WITH MARKET CRASHES OR DETERIORATIONS OF THE BUSINESS CLIMATE.

CONCLUSION  
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11.(C) THIS FIRST PART OF CHAVEZ'S PLAN FOLLOWS CLOSELY THAT WHICH WAS LAID OUT IN THE MVR PLAN OF ACTION (REFTEL). WHILE HE EXPOUNDS IN GREATER DETAIL HIS VISION OF THE CONSTITUYENTE, HE DOES NOT

ADDRESS THE QUESTIONS RAISED BY HIS PROPOSAL FOR DRAMATIC CONSTITUTIONAL CHANGE. SPECIFICALLY, HE SIDESTEPS THE MEANS BY WHICH A CONSTITUTIONAL ASSEMBLY WOULD BE CONVOKED (THE CURRENT CONSTITUTION DOES NOT CONTEMPLATE SUCH AN ASSEMBLY), THE ROLE OF A REFERENDUM IN BUILDING POLITICAL SUPPORT FOR A CONSTITUTIONAL ASSEMBLY (THE ELECTORAL LAW PROHIBITS THE USE OF THE REFERENDUM TO INVALIDATE CONSTITUTIONALLY GUARANTEED RIGHTS), OR THE MEANS BY WHICH MEMBERS OF THE CONSTITUTIONAL ASSEMBLY WOULD BE ELECTED (CURRENT ELECTORAL LAW REQUIRES A MIXED SYSTEM OF DIRECT AND PROPORTIONAL REPRESENTATION). NONE OF THESE ISSUES IS INSURMOUNTABLE. A CONSTITUTIONAL MEANS TO REFORM THE CONSTITUTION EXISTS--THROUGH THE CONGRESS RE-WRITING THE CONSTITUTION AND THEN PRESENTING THE NEW CONSTITUTION TO THE PEOPLE FOR APPROVAL OR DISAPPROVAL IN A REFERENDUM. FURTHERMORE, A MEANS TO ACCOMMODATE A CONSTITUTIONAL ASSEMBLY WITHIN THE CURRENT ORDER CAN BE FASHIONED--THROUGH AMENDING THE CONSTITUTION TO PERMIT THE CONVOCAION OF A CONSTITUTIONAL ASSEMBLY. CHAVEZ'S UNWILLINGNESS TO ADDRESS THESE ISSUES IN HIS PLAN OF ACTION UNDERSCORES THE POLITICAL NATURE OF HIS PROPOSAL: IT IS DESIGNED FIRST AND FOREMOST AS A POLITICAL MARKETING TOOL TO HIGHLIGHT HIS DESIRE TO COMPLETELY REFORM GOVERNMENT AND POLITICS IN VENEZUELA.

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